

REMARKS

In the Notice of Non-Compliant Amendment of May 4, 2009, the Examiner asserted that the arguments filed by the applicants on February 5, 2009 have been fully considered but are not persuasive. The Examiner maintains that the claims previously presented did not comply with the election of species previously made in this application.

In response to this position of the Examiner, applicants have canceled all previous claims of the application and present herewith new claims 50-56 which are based in large part on original claims 14, 15, 17, 20 and 21, with new claims 55 and 56 being entirely new, but supported by paragraph [0059] of the original specification.

Applicants submit that the claims now presented fully comply with the prior species election.

In the most recent substantive action (March 31, 2008), the Examiner rejected all of the claims based at least in part on Arendt. A careful review of this patent discloses that although a reference is made to an "oscillation control unit 47," in fact no oscillation (reversing rotational movement) occurs, but only one way rotation of the wash tub occurs. There is never any discussion of changing the direction of rotation of the wash tub of Arendt, but only discussion of changing a (same direction) speed of the tub. Thus, the use of the term "oscillation control unit" appears to be a misnomer, and the correct terminology should have been "rotation control unit" since only rotation occurs in the Arendt washer, not oscillation.

As such, Arendt cannot be used as a sole reference under section 102(b) to anticipate any of the claims nor as a base reference to render any of the claims as obvious.

Each of the claims as now presented specify the step of oscillating the wash chamber about the central axis alternately through a clockwise angle of rotation and a counter-clockwise angle of rotation with speed varying oscillations. Arendt does not rotate a wash chamber through both clockwise and counter-clockwise angles of rotation (only 1) and in fact, the reference to angles doesn't even apply to Arendt since the rotation of the wash chamber of Arendt continues

through many, many revolutions of the wash basket, and to refer to those many revolutions by the term “angle” is inappropriate and inaccurate.

Thus, with regard to new claim 50, Arendt does not teach or suggest oscillating the wash chamber through a clockwise angle *and* a counter-clockwise angle of rotation, with speed varying *oscillations*. Further, Arendt does not teach or suggest varying the angle of rotation during each clockwise and counter-clockwise rotation. Arendt teaches away from such a method by continuously rotating the wash chamber rather than oscillating it through specific alternating angles.

With regard to new claim 51, Arendt does not teach or suggest oscillating the wash chamber through a clockwise angle *and* a counter-clockwise angle of rotation, with speed varying *oscillations*. Further, Arendt does not teach or suggest pausing the rotation of the wash chamber for a length of time between each clockwise and counter-clockwise rotation. Arendt in fact teaches away from such a method by continuously rotating in a single direction, and therefore having no pauses during the wash cycle.

With regard to new claim 53, Arendt does not teach or suggest oscillating the wash chamber through a clockwise angle *and* a counter-clockwise angle of rotation, with speed varying *oscillations*. Further, Arendt does not teach or suggest varying the speed of rotation of the wash chamber randomly. In fact, Arendt teaches away from such a method by teaching to vary the speed of rotation in a specifically defined manner during the wash cycle.

The secondary reference relied on by the Examiner for rejecting some of the claims, AAPA, does not assist in rendering any of the claims unpatentable or obvious in view of the clear teaching of Arendt to continuously rotate rather than oscillate. A combination of the oscillation of the AAPA with the teachings of Arendt would defeat the purpose of Arendt. Arendt specifically describes the movement of clothing within the wash tub during the rotation of the tub at different speeds, and is careful to describe that as the clothes are lifted up by the rotating tub and allowed to fall under the effect of gravity, the clothes are to move in a parabolic path so as to hit the tub wall at a location where there is no “free liquid” (col. 3, lines 44-45 and col. 4, lines 10-13). If actual oscillation were to occur, particularly with varying angles or

rotation (claim 50) or pauses between each of the oscillations (claim 51) or randomly varying speeds of rotation (claim 53), then clothing items would be permitted to fall into an area of “free liquid” at the bottom of the wash tub, directly contrary to the specific aims of Arendt.

In view of the foregoing amendment and remarks, applicants submit that all of the claims of the application are in condition for allowance and respectfully request the Examiner to pass the application to issue.

Respectfully submitted,

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